

STAND. COM. REP. NO.

993

Honolulu, Hawaii

MAR 24 2015

RE: H.B. No. 1272
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1272, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATERS,"

begs leave to report as follows:

The purpose and intent of this measure is to require motion picture theaters that have more than two facilities in the State to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Division of Vocational Rehabilitation of the Department of Human Services, Disability and Communication Access Board, State Council on Developmental Disabilities, Aloha State Association of the Deaf, Hawaii Deaf Surfriders Association, Hawaii School for the Deaf and Blind Alumni Club, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Motion Picture Association of America and Consolidated Theatres.

Your Committee finds that individuals who are deaf, hard of hearing, or blind or have low vision often encounter communication barriers at movie theaters. According to testimony received by your Committee, movie theaters may make captioning available via the use of various assistive devices; however, these devices are uncomfortable and often hard to use. Further, some movie theaters unilaterally select and provide only one form of access for



persons with disabilities, and that form of access is not always conducive to a comfortable and enjoyable movie theater experience.

Your Committee further finds that the discriminatory effects of these communication barriers are contrary to the full inclusion of persons with disabilities contemplated by the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended. This measure proposes to remove these communication barriers and provide equal access to persons who are deaf, hard of hearing, or blind or have low vision by requiring motion picture theaters with more than two facilities in the State to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture.

Your Committee additionally finds that the Hawaii Civil Rights Commission and the Disability and Communication Access Board have collaborated on language to clarify the motion picture theater accommodations proposed by this measure. Amendments to this measure are therefore necessary to reflect language suggested by these parties.

Accordingly, your Committee has amended this measure by:

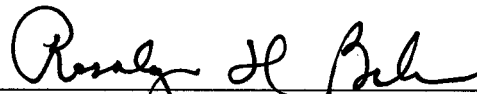
- (1) Clarifying that every motion picture theater operator in more than two locations in the State shall provide open movie captioning during at least two showings per week of each motion picture offered for viewing;
- (2) Inserting language to require every motion picture theater operator in the State that offers motion pictures for viewing to the general public to provide audio description of any motion picture produced and offered with audio description, upon request;
- (3) Specifying that the accommodation requirements proposed by this measure apply to motion pictures produced and distributed with necessary auxiliary aids and services and do not prohibit the showing of motion pictures produced and distributed without these auxiliary aids and services but requiring notice to the public for those motion pictures produced and distributed without captioning and audio description; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee notes that in 2014, the United States Department of Justice published a notice of proposed rulemaking to propose amendments to federal regulations regarding movie captioning and audio description. However, final action on the proposed rule has yet to occur. Your Committee concludes that it is important to continue discussions on accommodation requirements for motion picture theaters as proposed by this amended measure. This amended measure will ensure that all citizens of Hawaii, including those individuals who are deaf, hard of hearing, or blind or have low vision, are given equal opportunities to enjoy movies offered for viewing in the State.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1272, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1272, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



Record of Votes
Committee on Commerce and Consumer Protection
CPN

*Only one measure per Record of Votes